

USAWC STRATEGY RESEARCH PROJECT

**MILITARY PROCONSULS: THE ARMY AND ITS ROLE IN MILITARY  
GOVERNANCE**

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## **ABSTRACT**

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In an era of U.S. military dominance, rogue, failed, and failing states present a challenge to American national power that can not be met by force alone. As America is discovering in Afghanistan and Iraq, the burden of victory lies in building an enduring peace, a task suited more to the statesman than the warrior. While somewhat at odds with our national values of military subservience to governmental rule, historically, it has been the American soldier's responsibility to gain the fruits of victory by continuing the military operation beyond the battle, following battlefield victory with military government to achieve the stability and conditions necessary to build a successful society in a conquered country. This paper examines America's previous applications of military government from the war with Mexico in 1846 through Operation Iraqi Freedom, as well as recent governmental initiatives, to conclude that the military and the nation would do well to relearn the role of military government and the military proconsul.



## MILITARY PROCONSULS: THE ARMY AND ITS ROLE IN MILITARY GOVERNANCE

The dawn of the 21<sup>st</sup> century finds the United States the strongest nation in recorded history. Yet it also finds a nation discovering (or rediscovering) the limits of power. America's weakness today is not on the field of battle. Since the end of the Cold War, the U.S. military has easily overwhelmed each enemy military formation it has met on the battlefield. Forced entry operations in Panama rapidly paralyzed and defeated the Panamanian Defense Forces in simultaneous ground, airborne, and heliborne assaults. A little more than a year later, armor and mechanized forces easily defeated what was then the world's fourth largest army in just 100 hours of ground fighting, ejecting the Iraqi Army from Kuwait and nearly completely destroying her air and naval forces. American air forces, carrying the bulk of NATO's effort against Serbia and her military forces in Kosovo, forced Serbian withdrawal from that country. In 2001, the Taliban were driven from their position as rulers of Afghanistan in two months by only a small percentage of America's military might. Two years later, an invasion force less than four divisions strong seized the Iraqi capital of Baghdad in less than two weeks of fighting, despite facing a much larger Iraqi army. Trained and equipped to fight an enemy with which we had parity, the military forces of the Soviet Union, the outcome of these military campaigns was never really in doubt. Winning the battles, however, does not necessarily mean winning the war, attaining the political object for which the war was fought. As America is discovering in Afghanistan and Iraq, the burden of victory lies in building an enduring peace, a difficult task suited more to the statesman than the warrior. Yet it has become the warrior's lot, for after the shooting stops and the smoke clears, it is the military that stands in possession of the field of battle, the military that has imposed its will on an enemy nation, and the military that has the resources to rebuild. Such military supremacy is an inherently distasteful concept to American democracy, which carries a tradition that values civilian rule and distrusts standing armies. It is a tradition that may drive a premature rush toward democracy and civilian rule in defeated states that threatens the strategic objective we are trying to achieve. The nation has achieved such success in the past by continuing the military operation beyond the battle, following battlefield victory with military government, to achieve the stability and conditions necessary to build a successful society. This paper examines America's previous applications of military government as well as recent initiatives to reach this conclusion: when regime change is the task, and democracy the goal, the military and the nation would do well to relearn the role of military government and the military proconsul.

In reviewing the history of American occupation and governance following military action, three things are readily apparent: The military, primarily the Army and to a lesser degree, the Marine Corps, has carried the burden of planning, coordinating, and executing reconstruction programs. They have generally administered these programs effectively. Yet neither the military nor the nation's civilian leadership has been comfortable with the arrangement. American culture has a history of tension between the standing military and the civilian leaders who employ them. The American military tradition is strongly rooted in civilian control. In his landmark volume on civil-military relations, *The Soldier and the State*, Samuel Huntington documented the distrust in the United States between the military and its civilian masters. The root of this distrust lies in the combination of a generally liberal ideology and a conservative constitution designed to prevent the concentration of power in any one governmental unit. These two factors have been "the relatively unchanging environmental constants of American civil-military relations" that have combined to make "objective civilian control depend upon the virtually total exclusion of the military from political power."<sup>1</sup>

This tradition of civilian control over the military extends logically into general American opinions of governance of other countries and stated U. S. objectives of spreading democracy.<sup>2</sup> Military government and civil affairs activities are at best peripheral military activities not inherent to more commonly held notions of soldiering. Effective civil affairs value the pen and the plowshare over the sword, an idea at odds with the soldier's art. In a letter to General Marshall from North Africa, General Eisenhower lamented, "The sooner I can get rid of these questions that are outside the military in scope, the happier I will be! Sometimes I think I live ten years each week, of which at least nine are absorbed in political and economic matters."<sup>3</sup> Yet the American soldier is no more likely to avoid an involvement in civil affairs today than Eisenhower did in 1942. In fact, with few exceptions, the military has been the primary agent for the functions of governance in our nation's history of foreign involvement, and it has done so with relative success.

The war with Mexico in 1846 was America's first significant experience with military government. It established a paradigm for military occupation that has generally been maintained since: a general benevolence toward the occupied populace while directing extreme violence against an insurgent; soldiers trained in the art of war learning and effectively applying the skills of public civics; and relative success in that endeavor throughout the course of the occupation, improving the conditions of the governed while enabling military operations. Good will toward the occupied peoples was a trait that had to be learned by painful experience, however. President Polk, hoping to limit the scope of the war by attacking only the government

of Mexico and her army, directed non-combatants be treated as friends and their rights protected.<sup>4</sup> Unfortunately, this guidance was applied unevenly with a debilitating effect. Brevet Brigadier General Zachary Taylor began the U.S. occupation of Mexico when he crossed the Rio Grande on 12 May 1846. Commanding a force of 3500 men of the Regular Army, he quickly and decisively drove the Mexican Army from northern Mexico, and was initially welcomed by the Mexican citizens. This changed, however, with the Army's reinforcement by ill-disciplined volunteer forces that saw occupation as an opportunity for rape and plunder. When Taylor failed to maintain discipline, public opinion turned against the occupation and guerrilla bands formed, beginning a campaign of partisan resistance that was to stymie American efforts at pacification in the north until the end of the war.<sup>5</sup> With Taylor's Army unable to compel Mexican capitulation, Polk ordered an invasion into the heart of Mexico. Leading a force of 10,000 regulars and volunteers, General Winfield Scott landed at Vera Cruz ten months after the war began. Even before leaving for Mexico, however, Scott set the conditions for an occupation of central Mexico that was to be handled very differently. Taking lessons from Napoleon's disastrous occupation of Spain, Scott drafted General Order No. 20, which outlined standards of conduct for soldiers and civilians alike, subjecting all to trial by military court-martial.<sup>6</sup> Marching inland and ultimately to Mexico City, Scott appointed military governors in a generally conciliatory approach toward the Mexican people and their local officials, overseeing occupation policies that provided humanitarian relief, improved public health and sanitation, allowed local elections, and maintained municipal and judiciary functions. At the same time, the Army conducted a brutal and effective campaign against Mexican guerrillas, and their civilian supporters who were targeting the Army's extended supply lines to Mexico City.<sup>7</sup> Although never completely subduing the guerrillas, the Army was able to suppress them sufficiently to allow it to capture and hold Mexico City for several months, forcing the diplomatic concessions that ceded the vast territories of California and New Mexico to the United States.<sup>8</sup> The Army's officers who observed the relative success of Scott's policies of "reconciliation and retribution" were to take these lessons with them into the American Civil War.<sup>9</sup>

As the Union Army advanced and occupied vast areas of Confederate territory, local civil government collapsed. Faced with replacing the lawlessness and restoring order, the Army turned to its provost marshals.<sup>10</sup> Formed to help police the tens of thousands of newly mobilized, and at times unruly citizen-soldiers, provost marshals served to police the Army and control stragglers.<sup>11</sup> The Army merely extended the functions of the provost marshals from their military roles to include policing and governance in occupied areas of the South. Military department commanders, therefore, exercised control over both the Union forces under their

command and the local governments in the occupied areas, setting the conditions for the post-war governments and reconstruction.<sup>12</sup> The Army exercised this authority earnestly, emphasizing in General Orders 100,

As martial law is executed by military force, it is incumbent upon those who administer it to be strictly guided by the principles of justice, honor, and humanity – virtues adorning a soldier even more than other men, for the very reason that he possesses the power of his arms against the unarmed.<sup>13</sup>

General Orders 100, Instructions for the Government of Armies of the United States in the Field, was written at President Lincoln's request and issued in 1863. It was intended to preclude civil animosity in the postwar period. Far reaching in scope, it had as its roots Winfield Scott's General Order No. 20, and served as the basis for the Geneva and Hague Conventions governing the conduct of land warfare.<sup>14</sup>

The Spanish-American War was America's first war that sought to elicit the overthrow of an established government. As the U.S. entered war with Spain in 1898, discussions on post-conflict governance of Cuba centered primarily on whether the country was to be annexed as an American territory or the people of Cuba were to be "free and independent."<sup>15</sup> This debate was settled by December 1898 when President McKinley sent his Annual Message to Congress. Committing the U.S. to rebuilding Cuba and helping the Cuban people to form "a government which shall be free and independent," he added this caveat: "Until there is complete tranquility in the island and a stable government inaugurated military government will continue."<sup>16</sup> Less than a month later Major General John R. Brooke, one of three Regular Army major generals and commander of American forces in Puerto Rico, assumed command as military governor of Cuba.<sup>17</sup> Brooke, and his successor Major General Leonard Wood, rebuilt infrastructure, provided security, and controlled virtually all aspects of local and national government before handing governmental control to the Cuban Republic in May 1902.<sup>18</sup>

Similarly in the Philippine Islands, another Spanish possession the U.S. gained under the peace treaty, governance was conducted by the military and with an authority that was to be "absolute and supreme and immediately operate upon the political condition of the inhabitants."<sup>19</sup> "The mission," wrote President William McKinley to Secretary of War Russell A. Alger, "is one of benevolent assimilation."<sup>20</sup> The commander of the Philippine expedition, Major General Wesley Merritt, declared a government of military occupation three weeks after he landed, a government that this time had to deal with an insurgency of Philippine guerrillas opposing U.S. rule. During nearly two years of military rule, the Army combined a policy of benevolent pacification with an aggressive military effort to counter the growing guerilla threat, separate the insurgent from the populace, and institute a government that was to be, in the



words of Brigadier General J. Franklin Bell, “based upon the will of the governed.”<sup>21</sup> The Army instilled strict discipline on its soldiers in an effort to curb the looting and wonton destruction that would alienate the people, as well as ordering them to respect the people and their culture. In addition to establishing local governments under native rule, nation building efforts included building roads, improving municipal and economic infrastructure, opening schools, and improving public sanitation.<sup>22</sup> Individual acts of atrocity did occur, however, despite the Army’s effort to maintain the policies established in General Orders 100, and were highly publicized, and exaggerated by American anti-imperialists.<sup>23</sup> As provinces were pacified, governance passed from the Army to the Philippine Commission, a civil agency under the direction of William Taft, which was established to oversee the transfer of control from military to colonial rule. To some, this transfer was too hasty: “officers who had carefully nourished their civic creations were pushed aside, and new institutions were substituted, often peremptorily.”<sup>24</sup> Years later, a War Department official in the Military Government Division noted the commanding generals in the Philippines “were severely handicapped” by the premature introduction of civil government which “cost the lives of many American soldiers.”<sup>25</sup> In the end, the Army’s benevolent and humanitarian approach paid off. Though the Taft-led civil government often took much of the credit, their civil-action programs were largely only a continuation of programs established by the Army.<sup>26</sup>

With the Allied victory in Europe in the First World War, the U.S. Army found itself again an occupying power, but in a relatively small geographic area and for a relatively short period of time. The American zone of occupation, centered on the Coblenze bridgehead, covered roughly 200 kilometers of an area of the Rhineland that had been virtually untouched by the war. Governmental functions remained largely intact allowing American officers to supervise the local administrators.<sup>27</sup> It is well that the military governance requirements were not more demanding, for again the Army found itself unprepared. “Despite the precedents of military governments in Mexico, California, the Southern States, Cuba, Porto Rico (sic), Panama, China, the Philippines and elsewhere,” wrote the American officer in charge of civil affairs in Germany, “the lesson has seemingly not been learned. In none of the service-schools devoted to the higher training of officers, has a single course on the nature and scope of military government been established. The majority of the regular officers were, as a consequence, ill-equipped to perform tasks differing so widely from their accustomed duties. . . .”<sup>28</sup>

The years prior to the Second World War brought several other occasions of American military intervention, including a 20-year occupation in Haiti (1915-1935), eight years in the Dominican Republic (1916-1924), and three deployments to Nicaragua between 1909 and

1933, all primarily Marine Corps operations and all involving guerilla warfare and military governance functions to some degree.<sup>29</sup> These experiences, as well as all of the previous American military's experiences in governance, coalesced in the occupation and reconstruction of Germany and Japan following the Second World War. This was an effort that far exceeded in size and scope any other reconstructive effort executed before or since. It was also, perhaps, the most successful, for in addition to reconstructing ruined states and economies, the effort succeeded in raising liberal democracies from the ashes of fascism.

This was also an effort in which the military intended to be prepared. As war approached, the Army's leadership recognized the need for specialized training to administer occupied territories to both support battlefield operations and to win the final peace. America's entry into the war accelerated the process, and in May 1942 the School of Military Government inducted its first class at the University of Virginia in Charlottesville. Men who generally had some experience in public service were educated in the practical tasks of "rebuild[ing] vital services in foreign countries and to translate future policies of the United States into workable plans of administration."<sup>30</sup> These graduates would form the cores of the military government detachments that would follow the allied advance into Germany and Japan. These detachments, ranging in size from as few as ten to over sixty soldiers, were organized to assume governance responsibilities from the municipality to the state and district levels.<sup>31</sup> Following its experiences in North Africa and issues that arose in the invasion planning for Sicily and Italy, the Army established a Civil Affairs Division as an integral part of military government to coordinate civilian agency involvement in occupied areas.<sup>32</sup>

The unconditional surrender of Germany found the military governance detachments in Europe to be victims of their own success. As American forces advanced into Germany, the military government detachments lay the groundwork for the occupation, replacing Nazi officials with non-Nazi's, maintaining order among the German populace, and coordinating humanitarian assistance for civilians and displaced persons.<sup>33</sup> The prevailing belief on Victory in Europe Day was that military government had accomplished its mission of enabling the military defeat of Germany, and "what remained was a residual mission of carrying out United States occupation policy . . . for a short period, ranging from a few weeks to at most a few months, until a permanent civilian administration took over."<sup>34</sup> What was lacking, however, was a civilian capability to take over government administration, though the Army made a spirited effort to integrate civilians into the military government and transfer more authority to the German people. Within a year, U.S. civilians occupied two thirds of the positions of the American Military Government of Germany, though the military retained control at the top levels "because no

civilian agency had the resources or the manpower to assume the job.”<sup>35</sup> Free elections had been held at the local and regional levels after only eight months, a “rush to democratization” that opened the military government up to criticism by its allies: “This American policy is considered a sure symptom of American willingness to accept a semblance of democratic activity as the realization of democracy in order to be excused from further tedious duties overseas.”<sup>36</sup> German administrators were to assume much greater responsibility, though the military government remained in place until the Federal Republic of Germany was officially established in 1949.

Postwar governance in Japan functioned differently from the start. In contrast to Germany, the Japanese government continued to function, with military government detachments supervising local administration, to include imperial government compliance with directives issued by the Supreme Commander for the Allied Powers. For the most part, Japanese officials effectively implemented these directives from the American military commander without the need for military government administrators to exert control.<sup>37</sup> Nevertheless, General Douglas MacArthur was firmly in command, capable of vacating elections and even dissolving the government if necessary.<sup>38</sup> An American general would remain in charge until the signing of the peace treaty in 1951.

Following the significant role military government and civil affairs played both during and after the war, the Army continued to develop doctrine and maintain units in the active and reserve force for Civil Affairs/Military Government (CAMG). “Military Government” was subsumed under the more general “Civil Affairs” in 1960, “in order to emphasize the non-coercive aspects of the activity.”<sup>39</sup> Military conflicts and stability operations in Korea, Lebanon, the Dominican Republic, Vietnam, Grenada, Panama, Somalia, Haiti, and Bosnia all involved civil affairs in combat and stability operations to some degree, but installation of a military government was not attempted. In each case, military force was used to assist an American-recognized national government. Similarly, military occupations were not considered in Desert Storm or Kosovo, though humanitarian and stability operations occurred in each. Consequently, though the military maintains doctrine and organizations for civil affairs activities, no such established doctrine or intrinsic capability remains for military government.

With the terrorist attacks in New York and Washington that led to the nation’s Global War on Terrorism, and specifically military operations in Afghanistan and Iraq, planners gave little initial consideration to nation building and reconstruction. Immediate interest was placed on finding and targeting the terrorist leaders, facilities, and assets of al Qaeda. Though the Taliban government of Afghanistan was known to be providing sanctuary and resources to al Qaeda,

regime change was not a priority, or even an objective, at first. The Bush administration had no interest in nation building, which would be an essential part of any reconstruction effort were the Taliban to be destroyed with no replacement government prepared to assume control. Prior to his election, candidate Bush had repeatedly argued against using American troops for peacekeeping and nation building. During the second presidential debate when questioned on the subject, he commented, "Absolutely not. Our military is meant to fight and win war."<sup>40</sup> Bush's opinion was representative of many Americans, including many members of the military, who had seen peacekeeping and nation building operations in Somalia, Haiti, and Bosnia consume vast resources of military and economic capital with few tangible indications of success. As planning progressed, however, it became apparent that destruction of al Qaeda in Afghanistan also meant destruction of the Taliban. A replacement government would be required to fill the vacuum that was left, one of the lessons from the Soviet misadventure there. The Soviet withdrawal in 1989 created the conditions for the Taliban's rise to power and, by virtue of their extensive support, the rise of al Qaeda.<sup>41</sup> Even so, the administration was careful to avoid using American military forces to fill that vacuum. Part of this was a scarcity of U.S. military capability on the ground. Most of the American combat power that destroyed the Taliban came in the form of air power with a relative handful of special operations forces. The President was also aware, however, of the long-term commitment required for nation building and attempted to maintain focus on the primary military objective – destroying al Qaeda. Instead of installing a military government, Secretary of State Colin Powell worked with the United Nations (UN) and Afghani opposition groups to identify an Afghan leader around whom a new government could be built.<sup>42</sup>

The war with Iraq was to bring the United States its largest post-conflict governance and reconstruction challenge since the Second World War. The post-conflict phase, according to CENTCOM commander Tommy Franks, "would be a crucial period. Having won the war, we would have to secure the peace."<sup>43</sup> As planning for the invasion began to occur in earnest in the fall of 2002, CENTCOM planners outlined three options for reconstructing postwar Iraq: military governance; transition to a government-in-exile, as happened with Karzai in Afghanistan; or a civilian administered provisional authority.<sup>44</sup> Of these options, the Joint Staff recommended a military headquarters be given the mission, to be commanded by a three-star general and well-staffed with civilian experts from throughout the U.S. government to provide the necessary expertise for rebuilding the local, regional, and national governments. The Secretary of Defense opted to take the lead in the postwar phase, but to split the effort and the authority: a civilian administrator would oversee reconstruction and governance, while a military

commander would be responsible for security and retraining the Iraqi military. Both would report to CENTCOM. The President approved the concept in October 2002.<sup>45</sup> Regardless of how that decision was made, it clearly met with the approval of the overall military commander. In his memoirs, Franks acknowledged misgivings over becoming, what he called, the “MacArthur of Iraq,” recognized that major civilian involvement would be required for a successful reconstruction, and believed that civilian leadership offered the best fit with American values.<sup>46</sup> Nevertheless, as CENTCOM officers developed the plans to topple the Hussein regime, they searched in vain for a governmental entity with which to coordinate the humanitarian assistance and civil affairs activities they knew would be required.<sup>47</sup> Later, as soldiers and marines advanced rapidly into Iraq, it was with the general expectation that post conflict activities would be necessary, but that they would be handled by *someone else*. Some of this attitude may be attributed to a military built, educated, and trained for the “rapid and decisive” operations that have become its hallmark. With limited resources available, training exercises typically emphasized the “close battle.” Divisional combat support and combat service support forces are focused on supporting the combat units in tactical operations, with little capacity remaining for civil affairs activities.

The answer to the question of whether civilian control or military control of post-conflict governance functions is desirable is far from clear, but the argument comes down to conflicting beliefs: what we believe we *should* do, as a democratic republic rooted in civilian control, and what we *can* do. History has shown that the military, as the nation’s instrument of war, has also been the most effective at administering occupied territories after the war, but it is an instrument of necessity rather than choice. Even the military governments of post-war Germany and Japan, held up by many as the epitome of effective occupation policy, met initially with resistance from the highest levels of government: “The governing of occupied territories,” wrote President Franklin Roosevelt in a memorandum to Secretary of War Stimson, “may be of many kinds but in most instances it is a civilian task . . . .”<sup>48</sup> What is clear is that these nation building functions will remain critical to “securing the peace” following any military operations that destroy a regime and occupy a country, even if that occupation is intended to be brief and is not called an occupation at all. Under international law, the occupying power has the responsibility “to restore, and ensure, as far as possible, public order and safety,” as well as to “[exercise] governmental authority (when) the necessity for such authority arises from the failure or inability of the legitimate government to exercise its function on account of the military occupation, or the undesirability of allowing it to do so.”<sup>49</sup> In an effort to avoid the appearance of American imperialism and gain the support of the Iraqi people, the Bush administration chose to use the

word *liberating* instead of *occupying* when referring to the forces that invaded Iraq and deposed the regime in 2003. The Geneva and Hague Conventions, however, do not define liberating forces.<sup>50</sup> In any event, the United States intended to meet its obligations as an occupying power even if it preferred the term *liberators*, and it can be expected to do so in the future as well. To do otherwise conflicts with stated objectives of democracy promotion and long-held national ideals of liberty.

The Federal Government recognizes this responsibility to implement and administer governance functions, when no alternatives exist, as an inevitable condition of any military action that forces regime change. In the wake of an ineffectual response in Iraq, the Bush Administration developed two initiatives aimed at improving post-conflict efforts. The first was the creation within the State Department of the Office of the Coordinator for Reconstruction and Stabilization (S/CRS). Formed by Secretary of State Colin Powell in August 2004, S/CRS is tasked “to lead, coordinate and institutionalize U.S. Government civilian capacity to prevent or prepare for post-conflict situations, and to help stabilize and reconstruct societies in transition from conflict or civil strife, so they can reach a sustainable path toward peace, democracy and a market economy.”<sup>51</sup> The objective is to establish a cadre of civilians within the State Department capable of planning reconstruction and stabilization efforts and coordinating the resources of U.S. and international governmental agencies. This would provide a comprehensive U.S. Government approach to stabilization and reconstruction.

This initiative is significant, for it aligns the functions of post-war reconstruction firmly underneath the agency traditionally charged with democracy promotion, and firmly under civilian control, a long-held national ideal. This is not a new concept to the country or to the State Department. In 1943, with the recognition that a critical need for post-war governance was being met only by the Army, a civilian Center of Administrative Studies was proposed, to be staffed by the civilian agencies that “have the kind of specialized experience and skill needed for post-war world reconstruction.”<sup>52</sup> Then as now, however, this effort has been poorly resourced. Its 2007 budget, according to former director Ambassador Carlos Pasqual, is less than a third of that required for personnel and operating costs, training and exercises, start-up costs for a civilian reserve corps, and an adequate conflict response fund.<sup>53</sup>

Funding is but a part of the problem. In testimony to the Senate Foreign Relations Committee in February 2007, Secretary of State Condoleezza Rice acknowledged the funding shortfall, calling for full funding of the S/CRS. But she also identified a more significant shortfall: willing and capable expertise. “The problem is the State Department doesn’t have agronomists and engineers and city planners. No foreign service in the world has those people. And so we

have to find that talent elsewhere,” commented Rice. “What we need is the ability to mobilize civilians from the population as a whole who could take those tasks.”<sup>54</sup> In the meantime, military personnel are fulfilling these roles. Until civilian experts can be contracted to fill positions in “business development, agribusiness, medical, city management” and other critical specialties, the Defense Department agreed to a State Department request to fill 129 civilian technical staff positions on Iraq’s Provincial Reconstruction Teams with Army reservists, “individuals who in their civilian lives have these kinds of skills and . . . can be mobilized and brought into service very, very quickly.”<sup>55</sup>

Even with adequate resources, cultural issues within the federal agencies outside of the Department of Defense must be addressed to make a comprehensive civilian-led effort effective. With the exceptions of Defense and State, Federal agencies are focused domestically, with recruiting, training, education, and promotions reflecting that orientation. The State Department, though inherently oriented outside of the nation’s boundaries, still relies on voluntary foreign service, and employees are free to decline overseas postings.

The second initiative was Defense Department Directive 3000.05, published in November 2005. This policy directive established stability operations as a core mission of the U.S. military, with a “priority comparable to combat operations” and directing that, though “many stability operations tasks are best performed by indigenous, foreign, or U.S. civilian professionals . . . U.S. military forces shall be prepared to perform all tasks necessary to establish or maintain order when civilians cannot do so.”<sup>56</sup> The joint and service staffs were further directed to develop doctrine, training, and force structure to meet stability and reconstruction requirements.

The DOD directive is the more practical of the two initiatives for the simple reason that the Defense Department remains the only agency currently capable of adequately performing the task. Along with this core mission, however, should come the authority to execute the policy under a uniformed commander. Despite the apparent conflict of values, American history is replete with the general as proconsul, a term that denotes authority over an occupied area of military and civilian alike, an authority that unifies the effort of both the soldier and the nation builder. This unity of command remains a fundamental principle of both combat and non-combat military doctrine, yet it is easily subverted. Central Command planners carefully developed a post-conflict plan for Iraq that included at least six months of martial law under military authority, to provide the security and stabilization thought necessary for a transfer of governance to civil authorities, yet barely a month elapsed before the responsibility for reconstruction passed to Ambassador Paul Bremer, who worked not for the commander of the forces that had planned and executed the invasion, defeat of the Iraqi military, and occupation

of the country, but for the Secretary of Defense.<sup>57</sup> In Bremer's words, "I would be the only paramount authority figure – other than dictator Saddam Hussein – that most Iraqis had ever known."<sup>58</sup> Yet Bremer's authority did not include control of the 170,000 Coalition troops then in Iraq, the servicemen and women who would do the bulk of the work in the reconstruction effort.<sup>59</sup>

Nor did Bremer control the planning and execution of the military operations that set the conditions for the environment in which he would work. As military forces rolled through Iraq, local commanders established authority over the Iraqis in their operating areas to both enable operations against military and paramilitary forces and stabilize the civilian population. Whether the decisions for de-Baathification and the dissolution of the Iraqi Army were wise or appropriate are debatable; but those decisions caught American commanders off guard and ill-prepared to manage the effect they had on the Iraqi population within their areas of operation.<sup>60</sup>

While it is impossible to know if an alternate course of action would have made a positive difference in Iraq's postwar environment, military governorship would at least have placed the responsibility for winning the war *and* winning the peace on the shoulders of the only person capable of executing both: the military commander. By clearly fixing post-war responsibility during pre-war planning under the authority of the officer responsible for both, the result should be a holistic, comprehensive plan that coordinates and synchronizes the combat operations that bring down a government with the nation building operations that create one.

In reviewing the historical application of American military governance, three general constants were noted: *the burden of planning for post-conflict operations has fallen primarily on the military; they have executed them effectively; and soldier and civilian alike would prefer governance to be a civilian-led effort.* To this, however, can be added a fourth constant, one that is particularly significant as the United States searches for ways, when necessary, to replace despotic foreign governments with democratic ones: *"democratization" is effective only when America invests substantial money, effort, and, especially, time into the endeavor.* In Mexico, the United States never intended to establish permanent control, the Mexican government quickly reasserted its authority with few, if any, enduring legacies of the two-year occupation, except in the territories ceded to the United States under the terms of peace. Civil War reconstruction failed to achieve equal rights for black Americans until 100 years after the end of the war. In the Spanish-American War, America's first attempt at regime change and colonization, 6000 soldiers and marines returned to Cuba in 1906 to suppress a fledgling revolution. They withdrew 17 months later, having quelled the insurrection, restored order, substantially improved the island's infrastructure, and held free elections. This second effort,



however, “was no more successful than the first and for essentially the same reasons. Turn-of-the-century Americans were ideologically too conservative to undertake the type of sweeping reforms necessary to address the fundamental socioeconomic problems facing Cuban society.”<sup>61</sup> Marine Corps interventions in the Caribbean and Nicaragua improved infrastructure and native quality-of-life, but the conditions were maintained only as long as U.S. troops remained.<sup>62</sup> Germany and Japan are success stories due largely to the Marshall plan and the importance each played in the Cold War. Nor is “outsourcing” to other nations an effective solution to establish legitimate governance. After more than seven years the United Nations Interim Mission in Kosovo (UNMIK) has been unable to establish effective governance functions in an area the size of Los Angeles despite an international effort that was, until Operation Iraqi Freedom, “the most expensive effort in democratization and state building yet attempted.”<sup>63</sup> Many Kosovo residents place the responsibility for their poor economy and infrastructure, in fact, on the UN effort itself blaming UNMIK’s “incompetence and corruption.”<sup>64</sup>

The ultimate fate of a democratic Iraq is yet to be determined but was complicated by the rise of an insurgency that was allowed to fester and grow while first retired Lieutenant General Jay Garner and then Ambassador Bremer tried to achieve a unity of effort with General McKiernan and the military forces of the Coalition Forces Land Component Command. The other elements of national power, diplomatic, informational, and economic, were addressed but not applied in a fashion complementary to the military efforts of the disparate commands, diluting the unity of effort.

In today’s world of failed and failing states, the United States must choose the role of nation builder or accept anarchy or loss of regional influence in its stead. This is especially true when it is U.S. action that removes a regime. Just as it is in our heritage to seek to replace those governments we destroy with constitutional democracies, it is also within our heritage that the Army will play a major role in that replacement. Until a comparable civilian agency is appropriately organized and resourced, the military is currently the *only* agency with the equipment, skill sets, and manpower available to achieve the nation building tasks required. The military and the nation must reconcile requirements with desires if America is to reap the fruits of peace from its military endeavors. For the national leadership this means allowing the military the time, resources, and opportunity to create the conditions for democratic growth. For the military this means being prepared, through doctrine, training, and organization, for the responsibilities of military government when required in the national interests.

## Endnotes

<sup>1</sup> Samuel P. Huntington, *The Soldier and the State* (Cambridge, MA: Harvard University Press, 1959), 143.

<sup>2</sup> George W. Bush, *The National Security Strategy of the United States of America* (Washington, D.C.: The White House, 16 March 2006), 1.

<sup>3</sup> Harry L. Coles and Albert K. Weinberg, *Civil Affairs: Soldiers Become Governors* (Washington, D.C.: Office of the Chief Of Military History, Department of the Army, 1964), 3.

<sup>4</sup> Justin H. Smith, "American Rule in Mexico," *American Historical Review* 23 (January 1918): 287.

<sup>5</sup> Stephen A. Carney, *The Occupation of Mexico, May 1846-July 1848* (Washington, D.C.: U.S. Army Center of Military History, 2006), 17-20.

<sup>6</sup> *Ibid.*, 27-8.

<sup>7</sup> Smith, 288-290.

<sup>8</sup> Andrew J. Birtle, *U.S. Army Counterinsurgency and Contingency Operations Doctrine, 1860-1941* (Washington, DC: US Army Center of Military History, 1998), 17.

<sup>9</sup> *Ibid.*, 17-18.

<sup>10</sup> Russell F. Wiegley, *History of the U.S. Army* (Bloomington, IN: Indiana University Press, 1984), 256.

<sup>11</sup> John W. Chambers II, "Justice, Military: Military Police," in *The Oxford Companion to American Military History* (New York: Oxford University Press, 1999), 357.

<sup>12</sup> Wiegley, 270-71.

<sup>13</sup> U.S. War Department, *The 1863 Laws of War* (Mechanicsburg, PA: Stackpole Books, 2005), 34.

<sup>14</sup> *Ibid.*, xiii-xiv.

<sup>15</sup> David F. Healy, *The United States in Cuba, 1898-1902* (Madison, WI: The University of Wisconsin Press, 1963), 22-23.

<sup>16</sup> United States Department of State, *Foreign Relations of the United States*, 1898, (Washington, D.C. : U.S. Government Printing Office, 1898), lxvi-lxvii, quoted in David F. Healy, *The United States in Cuba, 1898-1902* (Madison, WI: The University of Wisconsin Press, 1963), 50-51.

<sup>17</sup> Healy, 51-53.

<sup>18</sup> Birtle, 105-6.

<sup>19</sup> William McKinley to Wesley Merritt, 19 May 1898, *Correspondence Relating to the War with Spain . . . April 15, 1898 to July 30, 1902* (Washington, D.C.: Center of Military History, 1993), 2: 676-78, quoted in Brian M. Linn, *The Philippine War, 1899-1902* (Lawrence, KS: University of Kansas Press, 2000), 6.

<sup>20</sup> William McKinley to SecWar, 21 December 1898, in Henry C. Corbin to Elwell S. Otis, 21 December 1898, *Correspondence Relating to the War with Spain . . . April 15, 1898 to July 30, 1902*, 2:858-59, quoted in Brian M. Linn, *The Philippine War, 1899-1902* (Lawrence, KS: University of Kansas Press, 2000), 30.

<sup>21</sup> Birtle, 119. BG Bell started the war as an intelligence Major and finished it as a Brigadier General, serving in a variety of positions including provost marshal of Manila, regimental commander, and director of the successful pacification efforts in northwestern Luzon and Batangas.

<sup>22</sup> Ibid., 119-120; see also John M. Gates, *Schoolbooks and Kraggs, The United States Army in the Philippines, 1891-1902*, (Westport, Conn: Greenwood Press, 1973), 277.

<sup>23</sup> Gates, 277.

<sup>24</sup> Linn, 217.

<sup>25</sup> Coles and Weinberg, 16. Citing memo from Jesse I. Miller for COL Edward S. Greenbaum, Office of the Undersecretary for War, 23 July 42, Provost Marshal General's Office files, 014.13, Military Government.

<sup>26</sup> John M. Gates, *Schoolbooks and Kraggs, The United States Army in the Philippines, 1891-1902*, (Westport, Conn: Greenwood Press, 1973), 273.

<sup>27</sup> Edward M. Coffman, *The War to End All Wars* (Lexington, KY: The University Press of Kentucky, 1986), 359-60, and Hajo Holborn, *American Military Government* (Washington, DC: Infantry Journal Press, 1947), 2-3.

<sup>28</sup> Coles and Weinberg, 6. Citing report from COL Irwin L. Hunt, Officer in Charge of Civil Affairs, Third Army and American Forces in Germany, "American Military Government of Occupied Germany, 1918-1920," 4 March 20, 56-57, Office of the Chief of Military History files.

<sup>29</sup> Lawrence A. Yates, *The U.S. Military's Experience in Stability Operations, 1789-2005* (Fort Leavenworth, KS: Combat Studies Institute Press, 2006), 10.

<sup>30</sup> Holborn, 3-4.

<sup>31</sup> Earl F. Ziemke, "Improvising Stability and Change in Postwar Germany," in *Americans as Proconsuls: U.S. Military Government in Germany and Japan, 1944-1952*, ed. Robert Wolfe (Carbondale, IL: Southern Illinois University Press, 1984), 53.

<sup>32</sup> Holborn, 7-8.

<sup>33</sup> Ziemke, 56-57.

<sup>34</sup> Ibid., 59.

<sup>35</sup> Ibid., 66.

<sup>36</sup> Holborn, 109.

<sup>37</sup> Ralph Braibanti, "The MacArthur Shogunate in Allied Guise," in *Americans as Proconsuls: U.S. Military Government in Germany and Japan, 1944-1952*, ed. Robert Wolfe (Carbondale, IL: Southern Illinois University Press, 1984), 81-82.

<sup>38</sup> U.S. Department of State, *Bulletin* Vol. XIV (1946), 639-41.

<sup>39</sup> William R. Swarm, "Impact of the Proconsular Experience on Civil Affairs Organization and Doctrine," in *Americans as Proconsuls: U.S. Military Government in Germany and Japan, 1944-1952*, ed. Robert Wolfe (Carbondale, IL: Southern Illinois University Press, 1984), note 1, 524.

<sup>40</sup> George W. Bush, "Commission on Presidential Debates," debate transcript, 11 October 2000; available from <http://www.debates.org/pages/trans2000b.html>; Internet; accessed 22 March 2007.

<sup>41</sup> Bob Woodward, *Bush at War* (New York : Simon & Schuster, 2003), 192.

<sup>42</sup> Woodward, 314.

<sup>43</sup> Tommy Franks and Malcolm McConnell, *American Soldier* (New York: Harper-Collins Publishers, 2004), 420.

<sup>44</sup> Colonel John Agoglia, interview by author, 2 February 2007, Carlisle, PA.

<sup>45</sup> Michael R. Gordon and Bernard E. Trainor, *Cobra II : The Inside Story of the Invasion and Occupation of Iraq* (New York : Pantheon Books, 2006), 140.

<sup>46</sup> Franks and McConnell, 422.

<sup>47</sup> Agoglia.

<sup>48</sup> Coles and Weinberg, 22. Citing memorandum from Franklin D. Roosevelt, to the Secretary of War, 29 October 42, Provost Marshal General's Office files, 321.19, Military Government.

<sup>49</sup> U.S. Department of the Army, *The Law of Land Warfare*, Field Manual 27-10 (Washington, D.C.: 18 July 1956, Change 1, 15 July 1976), 141.

<sup>50</sup> Lyle W. Cayce, *Liberation or Occupation? How Failure to Apply Occupation Law During Operation Iraqi Freedom Threatened U.S. Strategic Interests*, Strategy Research Project (Carlisle Barracks: U.S. Army War College, 19 March 2004), 7-8.

<sup>51</sup> U.S. Department of State, *Office of the Coordinator for Reconstruction and Stabilization Home Page*, available from <http://www.state.gov/s/crs/>; Internet; accessed 8 February 2007.

<sup>52</sup> Coles and Weinberg, 26-7. Citing a memorandum from Saul K. Padover, Dept of the Interior, for Secretary of Interior Harold L. Ickes, 8 January 43, Franklin D. Roosevelt Library.

<sup>53</sup> David H. Gurney and Merrick E. Krause, "An Interview with Vice President and Director of Foreign Policy Studies of the Brookings Institution Carlos Pascual," *Joint Forces Quarterly* Issue 42 (3<sup>rd</sup> Quarter 2006): 85.

<sup>54</sup> Condoleezza Rice, "Opening Remarks Before the Senate Foreign Relations Committee," 8 February 2007; available from <http://www.state.gov/secretary/rm/2007/feb/80259.htm>; Internet; accessed 22 March 2007.

<sup>55</sup> David M. Satterfield, "U.S. Department of State On-the-Record Briefing on Provincial Reconstruction Teams (PRTs) in Iraq," briefing transcript, 7 February 2007; available from <http://www.state.gov/p/nea/rls/rm/2007/80216.htm>; Internet; accessed 13 February 2007.

<sup>56</sup> U.S. Department of Defense, *Military Support for Stability, Security, Transition, and Reconstruction (SSTR)*, Directive Number 3000.05, (Washington, D.C.: U.S. Department of Defense, 28 November 2005), 2.

<sup>57</sup> Agoglia.

<sup>58</sup> L. Paul Bremer III, *My Year in Iraq* (New York: Simon and Schuster, 2006), 4.

<sup>59</sup> *Ibid.*, 4.

<sup>60</sup> Thomas E. Ricks. *Fiasco: The American Military Adventure in Iraq* (New York : Penguin Press, 2006), 163-65.

<sup>61</sup> Biddle, 173-4.

<sup>62</sup> Max Boot, *The Savage Wars of Peace* (New York: Basic Books, 2002), 180, 251.

<sup>63</sup> Gordon N. Bardos, "Containing Kosovo," *Mediterranean Quarterly* 16 (Summer 2005): 20.

<sup>64</sup> *Ibid.*, 21.

